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Patent
Attorney's Docket No. 032326-180

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
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Laurent LABROUSSE et al) Group Art Unit: 1775
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Application No.: 09/994,845) Examiner: Lawrence D. Ferguson
)
Filed: November 28, 2001) Confirmation No.: 1985
)
For: TRANSPARENT AND/OR)
TRANSLUCENT CARD WITH)
THREE-DIMENSIONAL GRAPHICS)

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DEC 04 2003
TC-1700

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated August 29, 2003, Applicants respectfully request reconsideration and withdrawal of the rejections of the claims.

Claims 1-8, 11 and 13-17 were rejected under 35 U.S.C. §103, on the grounds that they were considered to be unpatentable over the Keikhaefer et al patent in view of the Takahashi et al patent. For the reasons set forth in Applicants' previous response, however, it is respectfully submitted that these references do not suggest the claimed subject matter to a person of ordinary skill in the art.

As discussed in greater detail in Applicants' prior response, the present invention is generally directed to transparent and/or translucent transaction cards, such as credit cards, security cards, smart cards, and the like. More specifically, the claims are directed to

graphics that appear on such cards. By virtue of the fact that the transparency of the card enables the user to see through it, Applicants have discovered that interesting visual effects can be created with graphics that are printed on the card. Specifically, by printing the graphics with background layers that have different respective levels of opacity, a three-dimensional effect can be produced. For instance, a graphical element having an opaque white background appears to be in the foreground of an image, whereas an element having a transparent (or no) background appears to be present at a greater depth in the image, e.g. on the backside of the card. A graphical element with a translucent background appears as if it is located between these other two types of elements. Thus, by printing the graphical elements with different respective levels of opacity, graphical images having a virtual three-dimensional effect can be produced on a transparent or translucent card. See Figure 3 of the application and the corresponding description at page 11, line 25 to page 12, line 24.

The Keikhaefer patent is also directed to transparent or translucent transaction cards. However, it does not disclose the distinguishing feature of the invention set forth in the claims, namely printing graphical elements on such a card with different respective levels of opacity, to thereby produce a three-dimensional effect.] As noted in Applicants' previous response, the Keikhaefer patent does not contain any disclosure relating to graphical elements that are printed on a translucent or transparent card.

In rejecting the claims, the Office Action states that the card of the Keikhaefer patent "may include opaque or translucent colored layers (ink, graphical elements, background layers)", with specific reference to claims 38-40 and 48 of the reference.

However, the subject matter recited in these claims does not pertain to graphical elements that are printed on the card. Rather, they are directed to a filter coating that is provided on the card so as to present opacity relative to light in the infrared wavelength range, while permitting visible light to pass therethrough. This filter coating comprises an element of the card *substrate*, rather than graphical elements that are printed on the card. It is respectfully submitted that these claims do not teach graphical elements with background layers having different respective levels of opacity.

It can be assumed, of course, that the transparent or translucent card disclosed in the Keikhaefer patent might have graphical elements printed on it, when used in a commercial contact. Even if the filter coating is interpreted as a background layer for such graphical elements, there is no suggestion in the Keikhaefer patent that various graphical elements would have different respective levels of opacity. Rather, since the filter 32 is uniform across the surface of the card (see, for example, Figures 4a-4f), each graphical element printed on the card would have the same level of opacity associated with it.

Accordingly, it is respectfully submitted that the Keikhaefer patent does not disclose graphical elements that are printed on surfaces of a non-opaque substrate with background layers having different respective levels of opacity. Only Applicants have taught that, by varying the level of background opacity for different graphical elements, a virtual three-dimensional effect can be achieved on a transparent or translucent card.

The Takahashi patent was cited for its disclosure relating to an IR-blocking transparent film. It does not contain any disclosure relating to graphical elements on a

transaction card, however, and therefore does not overcome the differences between the claimed subject matter and the disclosure of the Keikhaefer patent. Accordingly, even if the teachings of the Takahashi patent are applied to the transaction card of the Keikhaefer patent, the resulting combination would still not suggest the present invention to one of ordinary skill in the art.

Claims 1, 3, 4, 7, 8, 11, 17, 18, 23 and 26-28 were rejected under 35 U.S.C. §103, on the grounds that they were considered to be unpatentable over the newly-cited Lasch et al patent. This patent also relates to a transparent or translucent transaction card. While it discloses that text and logos can be printed on the card, it does not contain any suggestion that these graphical elements are printed with background layers having different respective levels of opacity. For the same reasons as presented above with respect to the Keikhaefer patent, it is respectfully submitted that the Lasch et al patent does not suggest the claimed subject matter to a person of ordinary skill in the art.

In addition to this fundamental distinction between the claimed subject matter and the disclosures of the references, other more specific features recited in the claims are likewise not suggested by the references. For example, claim 2 recites that at least one of the graphical elements includes an opaque white background layer, and another one of the graphical elements includes a translucent white background layer. Claim 3 recites that one of the elements includes an opaque white background layer, and another one of the graphical elements comprises a colored layer that is printed directly on one of the surfaces, without a background layer. Claim 4 recites that at least one of the graphical layers

includes the translucent white background layer and another one of the graphical elements comprises a colored layer that is printed directly on one of the surfaces without a background layer. Although each of these claims was included in the rejections based upon the Keikhaefer and/or Lasch et al patents, the Office Action does not discuss these claimed features, nor identify where they are taught by the references. Since neither of the references are directed to the structure of the graphical elements that are printed on a transparent or translucent transaction card, and specifically do not identify layers having different levels of opacity for the respective graphical elements, they cannot be deemed to suggest the subject matter of these claims, nor any of the other claims that recite specific features for the layers of graphical elements on the card.

In view of the foregoing, it is respectfully submitted that the references of record do not disclose, nor otherwise suggest, a [non-opaque transaction card having graphical elements of the type recited in the claims.] Reconsideration and withdrawal of the rejections, and allowance of all pending claims, are therefore respectfully requested.

Respectfully submitted,

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Date: December 1, 2003

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